

Report No. 816.

[To accompany bill H. R. No. 635.]

HOUSE OF REPRESENTATIVES.

SWAMP LANDS IN LOUISIANA.

August 8, 1848.

Mr. BRODHEAD, from the Committee on Public Lands, made the following

REPORT:

The Committee on Public Lands, to whom was referred the "bill to aid the State of Louisiana to reclaim the swamp lands therein, unfit for cultivation," report:

That it appears that large bodies of land in that State are annually subject to overflow, between the months of May and August, by the periodical rise of the Mississippi and its tributaries, which thus effectually prevents the cultivation of those lands, at the only season of the year that they could be planted. These overflows, moreover, seriously affect the salubrity of the climate, as the waters stagnate on the low grounds, and, under the hot sun of that latitude, no doubt, produce those dreadful diseases which, frequently, in the warm seasons, afflict that otherwise delightful section of the country.

To check this evil, as far as practicable, levees have been constructed, almost the entire length of the State, on the west side of the Mississippi, following its sinuosities, and from Baton Rouge nearly to the gulf of Mexico. The bayous, also, which, to some extent, receive and drain off the surplus water, which, otherwise, would deluge the whole country, have to be leveed in many places. These all form an aggregate of labor and expense which cannot be appreciated to its full extent. To convey an approximate idea of the vastness of these works, estimates have been obtained from the General Land Office, from which it appears, that the length of the Mississippi in Louisiana, on the west side, is 525 miles; from Baton Rouge down to the mouth of the river, is 175 miles; making a total which has been leveed, of 700 miles. To this should be added, estimated for the levees along the bayous, say 700, which

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is believed to be a moderate estimate, and it makes a total of 1,400 miles.

These levees will average, it is stated, thirty feet wide at the base, ten feet wide at the top, and four and a half feet high—though many are much larger—making ten cubic yards for each linear yard, and the enormous aggregate of twenty-four millions six hundred and forty thousand cubic yards, for the whole.

Estimating this structure at one dollar per linear yard, or ten cents per cubic yard, it would amount to the sum of two millions four hundred and sixty-four thousand dollars, the whole of which has been contributed, in money and labor, by the State and her citizens, for this important work. In justice, however, this estimate should not stop here, as this is only the amount required for the first work. It frequently happens that the levee, after it is constructed, is destroyed for a considerable distance, by an extraordinary rise in the river, the formation of a crevasse, or the caving in of the bank, and, of course, so far it is necessary to renew it; for all which it is impossible to form a probable estimate.

Heavy as this expense is, it is not the only one to which the people of this State are subjected, to protect their property against the rise of the waters. The law of the State requires that these levees should be constructed at least one acre back from the river, at all caving banks; the levees are generally, as above stated, thirty feet wide at the base; inside of those levees is a road at least thirty feet wide; and inside of that again is a ditch about four feet wide, to drain off the water which may fall from the clouds, or filter through the embankments. Thus the citizens are deprived of the use of about ninety yards of the front and best part of their lands, for which they have, in most cases, paid the United States. This, for the length above given, amounts to about forty-five thousand eight hundred acres.

By means of the levees and drains already constructed, large quantities of land have been reclaimed. On examining the early surveys in that State, it appears that they were chiefly restricted to the lands fronting on rivers, creeks, bayous, and water courses; most of which were laid off into lots or tracts of fifty-eight poles front by four hundred and sixty-five poles deep, as authorized by the second sections of the acts of 15th February and 3d March, 1811. The object sought by this departure from the ordinary mode of surveying the public lands, it is well known, was to connect with the front lands a portion of the rear or swamp lands, which, though somewhat valuable for the timber growing on them, could not be cultivated or settled, and consequently would not have been sold had they not thus been connected with the front lands. By reference to the plats now in the General Land Office it will be seen, that on those of the first survey, these river lots alone are represented; and many years afterwards, when the rear lands, no doubt, were reclaimed by the levees, they were surveyed, plats of them returned, and the lands brought into market and sold for the benefit of the United States, without any remuneration to the State

for her citizens for the labor and expense incurred by them in reclaiming them. Cases, in fact, are known, where, by the first surveys, lakes were represented, which afterwards were found to be fine lands, and were surveyed and sold.

As an evidence of the effect of this leveeing system, it will be seen by reference to the report of Geo. Graham, Commissioner of the General Land Office, of the 8th of January, 1829, that it was estimated that there were 5,429,260 acres of these swamp lands, unfit for cultivation, less 500,000 acres, which had then been reclaimed by levees, leaving at that time an aggregate of swamp lands of 4,929,260 acres. By the report of Commissioner Young to the Senate, of 11th April last, it appears that at this time there are, of swamp lands unfit for cultivation, 2,266,075 acres, showing by this data that there have been reclaimed 2,663,185 acres, which, added to the amount reclaimed reported by Mr. Graham, 500,000 acres, make a total thus reclaimed of 3,163,185 acres. All which was done at the expense of the State and her citizens.

Of the 2,266,075 acres now reported by the commissioner as swamp and overflowed lands, unfit for cultivation, much, no doubt, can never be reclaimed. By examining the general topography of that country, it is evident that large bodies of land must be left at different points, to receive and retain the rain water, and such as may percolate through the soil, or flow through accidental crevasses, till it is evaporated by the heat of the sun, absorbed by the earth, or discharged by artificial means. Estimating, then, that only one half of these lands can be reclaimed, the amount of the grant involved in the bill under consideration, would only be 1,133,037 $\frac{50}{100}$ acres, which, at the price of the public lands, would only amount to \$1,416,297, while the State and her citizens have expended, in these most useful and necessary works, \$2,464,000.

But it must not be supposed that all the labor and money have been expended which are necessary to reclaim these lands. Much has been done, and millions of acres have been reclaimed. Bayous, heretofore the centre of unsightly marshes, and the fruitful sources of disease and death, have been cleared out and embanked, making the finest canals in the world, and bearing on their waters steamboats of every class, laden with the rich products of those reclaimed lands. But to preserve that which has been done, those levees must be strengthened and kept in repair; others must be constructed, not only along the banks of rivers and bayous, but for hundreds of miles through the interior, to act as artificial banks for the waters which overflow in the State of Arkansas, and prevent them from submerging the low lands of Louisiana. Ditches must be dug to drain off the water that falls, and that which percolates or flows through the embankments, bayous, and slues, must be widened and deepened; snags and stumps must be removed; water courses or canals must be cut to connect the various lakes and ponds, where practicable; and means adopted to lead the surplus water to such receptacles as may be found necessary, and works erected to pump out those receptacles.

All these works can only be executed at a vast expense, but,

when done, the results will fully justify the expenditure. The most of these overflowed lands are represented as the richest in the world, being admirably adapted, if reclaimed, to the cultivation of sugar, rice, &c.; and there is no doubt that the proceeds of their products would support a population of millions. By these improvements, moreover, the healthiness of the climate would be immeasurably increased; and when it is found that these rich lands can be cultivated without the risk of life or health, it does not require the gift of prophecy to foretell that they will be immediately settled by an industrious and enterprising population, who will soon transform the tangled forests and gloomy cane brakes into fruitful fields and smiling gardens. The access to all parts of the State, now so difficult, will thus be rendered easy and pleasant, not only by the bayous and water courses, which will be rendered navigable, but by good roads, intersecting the country in every direction, and passable at all seasons of the year.

The attention of the committee has been called to the fact, which they admit with pleasure, that liberal grants of land have been made to several of the States to aid in constructing works of internal improvement; and others of like character are now pending before Congress, having thus far received the most favorable consideration; and a like liberal policy is now asked in behalf of Louisiana. It is also urged that works of this character, in other States, have the merit of being highly expedient, while in Louisiana they are, moreover, absolutely necessary. The committee admit that there is much force in this argument, and, on a full review of the whole matter, are clearly of opinion that the State of Louisiana is equitably entitled to the grant contemplated by this bill, if, indeed, she has not, as has been supposed and argued by some, a legal claim to those lands which were overflowed when she was admitted into the Union, but which have since been reclaimed. They, therefore, report a bill to carry out the views in this report, as a substitute for that referred to them. A letter from the Hon. J. H. Harmanson is also herewith exhibited.

HOUSE OF REPRESENTATIVES, July 18, 1848.

SIR: In behalf of the State of Louisiana, I have to request your early and favorable consideration of the bill introduced by me, and referred to your committee, for granting lands to that State, to aid in making the necessary levees to prevent the overflow of the waters of the Mississippi and tributaries.

That bill proposes to grant to each of the parishes bordering on the west bank of the Mississippi, commencing at the Arkansas line and running down the river to the mouth of Lafourche, 25,000 acres, or in full 150,000 acres, to be located on any public lands in the State; but, on full consideration of the matter, I find this bill would be too partial in its operation, as half of the parishes subject to inundation would be excluded, and in lieu of the 150,000

acres of choice land proposed by the bill, I would ask, as an act of simple justice, the donation of all the swamp or overflowed land now unfit for cultivation, and which will ever remain so unless reclaimed by heavy expenditures in leveeing and draining.

When all the facts in the case are known and properly understood, this grant will not be regarded as a mere gratuity to aid in constructing works of expediency, but an equitable claim founded on a valuable consideration, and if granted will be applied to an object absolutely necessary in itself, and of vital importance, not only to the State, but to a large portion of the Union, and to the mercantile interest of our whole country.

From the earliest history of Louisiana to the present, these swamps and overflowed lands have been noted as the principal cause of the severe diseases which afflict the citizens, and more especially strangers in the State, during the summer months. As these lands stretch from north to south in detached bodies, through the entire length of the State, materially interrupting and, in many cases, entirely preventing the travel between different sections of Louisiana, except by circuitous routes, at heavy expense, and great loss of time. This you will at once perceive interferes with the settlement of the State, and so far is a serious injury, and hindrance to its prosperity.

To prevent the overflow of the waters of the Mississippi, the State of Louisiana and her citizens have constructed levees along the west bank of the Mississippi, from Arkansas line to near its mouth, and on the east bank, from Baton Rouge to near the gulf, making together about seven hundred miles; and estimating the levees along the bayous, lakes, &c., at an equal length, would make a total of 1,400 miles. These embankments average thirty feet at the base, ten feet at the top, four and a half feet high, containing the aggregate of 24,640,000 cubic yards, and at the rate of ten cents per cubic yard, or one dollar per linear yard, it would make the original cost of the work \$2,460,000.

When to this shall be added the vast sums annually expended in repairing and re-constructing the levees when destroyed, the cutting of canals or drains to lead off the water that falls, or percolates through the levee, it will make an aggregate of labor performed, and expense defrayed, by the State of Louisiana and her citizens, unequalled in the history of this country.

The levees aforesaid, already constructed, have materially promoted the healthiness of the country, and moreover reclaimed upwards of 3,000,000 of acres of land claimed and sold for the benefit of the United States. This is proved by the fact now shown by the records of the General Land Office, that in many cases where nothing but the front lands could be surveyed originally, the rear lands have since been reclaimed, surveyed, and brought into market, and hundreds of thousands of acres, thus reclaimed by the labor and at the expense of citizens of Louisiana, have been sold and the government received the proceeds, without making the slightest compensation for reclaiming them.

George Graham, esq., formerly Commissioner of the General

Land Office, a gentleman of high attainments, and who being a citizen and planter of Louisiana, and was thoroughly acquainted with its geography and history, in the report of 8th January, 1829, estimated at that early day that at least half a million of acres of these swamp lands had been reclaimed by these levees, and that there were then remaining of them 4,929,260 acres. The present commissioner, Judge Young, in a report made to the Senate on the 11th April last, estimates the swamp land at 2,266,075 acres; showing there had been reclaimed 2,663,185 acres; which, add to the amount estimated by Graham, 500,000, make a total of 3,163,185 acres thus reclaimed by the labor and at the expense of citizens of Louisiana, and the benefit of which has enured, or will result to the general government.

Is not the general government, then, bound, by every principle of justice, if not to remunerate the citizens of Louisiana for these outlays, of which it has thus received the benefit, at least, to bear its just proportion of the expenses? And would it be deemed unreasonable if the State should now ask, not only the lands which still remain unfit for cultivation, but those also which have been reclaimed? They were of no value before they were reclaimed; they were worse; for they rendered the country unhealthy and impassable, and prevented, to some extent, the sale of those lands which were fit for cultivation.

These hindrances have been removed, and the settlement of the country, to some extent, encouraged by this reclamation. Were the whole work now done, Louisiana would not seek remuneration, but, with that liberal spirit which has always characterised her, would be satisfied that the general government should enjoy the fruits of the labor of her citizens. Much, however, remains to be done. By Commissioner Young's report, it appears that there are still 2,266,075 acres of these swamp and overflowed lands, engendering disease and death, and marring the most beautiful features of the State. To reclaim such as can yet be reclaimed enormous expenses must be incurred; other embankments, on a still more gigantic scale, must be constructed; bayous must be cleared out, canals dug, &c. To do all this, the State only asks a grant of such of those lands as are now valueless to the government, and which will ever remain so in all future ages, unless thus reclaimed.

A liberal policy has heretofore been manifested by the government, in making donations of land for internal improvements, as exemplified in the case of Ohio, to which 1,260,000 acres were granted. Indiana has received 1,467,000 acres; Wisconsin, 858,000; Iowa, 825,000 acres; and it is to be hoped, and expected, that a like liberal policy will be extended to Louisiana.

It will be recollected, the grants made to the above named States were choice lands, while those now asked for by Louisiana are utterly worthless, in their present state.

Louisiana occupying, for all the purposes of commerce, one of the most favorable positions of the earth, having a soil of unbounded fertility, and an enterprising and industrious population, a climate suited to the culture of all the products of the temperate

and torrid zones, needs but this donation to place her in the front rank of the States of this Union. It will enable her to open up her bayous, and establish the finest chain of canal and steamboat navigation in the world, and to drain and reclaim her marshes, and thus add to her territory thousands of acres of rich and fertile lands, the products of which would support thousands, and relieve her of those fruitful sources of miasma, disease, and death, that now too frequently transform this beautiful country into a charnel house.

We confidently hope and expect this donation will be freely given. It costs you nothing; it will be power, wealth, and, above all, health and life to us. Especially when it is considered she asks as a donation that which, under the decision of the Supreme Court of the United States, at the January term of 1845, in the case of Pollard, lessee, *vs.* Hagan and others, 3d Howard, she would appear to be entitled to as a right.

To you, sir, and to the members of your committee, I know I can appeal with confidence. Most of the facts stated by me are set forth in the enclosed report from the General Land Office, in answer to a call which I made on that office.

I trust that your committee will do my State the justice she is so eminently entitled to.

I remain yours, &c.,

J. H. HARMANSON.

RICHARD BRODHEAD, Esq.,

A member of the Committee on Public Lands.